S.B.CIVIL WRIT PETITION NO.4254/2007
(Kanhaiya Lal & ors. Vs. Abdul Gaffar & ors.)

DATED : 7th August 2007

HON'BLE MR.JUSTICE DINESH MAHESHWARI

Mr.D.D.Chitlangi for the petitioners.

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The writ petitioners-tenants are facing a petition for eviction that is pending before the Rent Tribunal at Bikaner and wherein issues were framed on 17.11.2004 on the questions of default in payment of rent and reasonable and bona fide requirement of the landlord.

On 13.12.2004, the petitioners moved an application in relation to the document in the nature of an agreement (referred as Annex.1) and a rent receipt (referred as Ex.A/6); and while pointing out that the applicant has denied his signatures on the said documents, prayed that expert's report on comparison of the signatures be obtained. The application so made by the present petitioners was rejected by the Tribunal by its order dated 01.09.2005 (Annex.P/6 herein) with the observation that FSL report was not the only mode of proving signatures; and, of course, if the position would not be clear at the time of final disposal, such report could be called.

After the applicant Mohammed Salim was cross-examined on 07.10.2006, the present petitioners moved yet another application (Annex.P/9 herein) with reference to Section 45 of the Evidence Act and submitted that the applicant has denied his signatures on the said documents in his cross-examination and, therefore, his specimen signatures be obtained and the questioned documents be got examined by Hand-writing Expert or a report from Forensic Science Laboratory be called. The Tribunal proceeded to reject the said application by its impugned order dated 04.06.2007 (Annex.P/11) with reference to its earlier order dated 01.09.2005 and with the observation that the matter is still at the stage of plaintiff's evidence and the stage has not reached for final disposal of the matter. The petitioners seek to assail the order dated 04.06.2007 by way of this writ petition.

The proposition adopted by the Tribunal, while rejecting the prayer made by the petitioners, in its order dated 01.09.2005 and so also in its order dated 04.06.2007 cannot be said to be contrary to law or against the principles of natural justice. There does not appear any reason for interference in writ jurisdiction at this stage particularly when the matter is still pending at the stage of evidence. The Tribunal has rightly observed that expert's report was not the

only mode of proving the signature; and has further observed that if the matter would not be clear at the time of final disposal, such report could yet be called. The writ petition remains totally bereft of substance and does not merit admission.

The writ petition is, therefore, rejected.

(DINESH MAHESHWARI),J.

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